

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#78
2/12/03

Applicant: David H. Sitrick) Certificate of Transmission under
) 37 CFR 1.8
 For: SYSTEM AND METHODOLOGY)
 FOR MUSICAL
 COMMUNICATION AND
 DISPLAY
 Serial Number: 09/492,218)
 Filed: January 27, 2000) I hereby certify that this
 Examiner: M. Fletcher) correspondence is being facsimile
 Art Unit: 2837) transmitted to the United States
 Attorney Docket: STD 1757) Patent and Trademark Office
 (703.308.7722) on February 5,
 2003.
 Elise L. Corrado
 Elise L. Corrado
 (22 total pages transmitted)

RESPONSE

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FFR 05 2003

Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER 2800

Dear Sir:

This communication is filed responsive to an Office Action mailed October 22, 2002 with a shortened three-month response period extended by one month by a concurrently filed Petition for One Month Extension of Time and payment of the related fee by means of US PTO Deposit Account as set forth on the Extension and Fee Transmittal therefor. By this Amendment, claims 1-113 are pending. No new matter has been added.

Claims 1-40, 53-76, 79-96 and 99-113 are rejected under 35 U.S.C. 103(a) based upon Romero et al (US 5,760,323) in view of Taki et al. (US 5,665,927) and Ishii (5,400,687).

Claims 41-51 are allowed.

Claims 52, 77, 78, 97 and 98 are objected to as being derived from a rejected claim.

It is respectfully submitted that for the reasons as set forth below, Romero et al (US 5,760,323) is not prior art to the present application, and that Taki et al. (US 5,665,927) and Ishii (5,400,687) alone or in combination do not teach, suggest or discuss the claimed invention. It is thus submitted that for the reasons as set forth herein, the Examiner's rejection and objections are

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traversed and overcome, and that Claims 1-113 are allowable over all cited art, and that the application is in proper condition for allowance.

Applicant has filed concurrently herewith a Declaration under 37 CFR 1.131 and has sworn back of the Romero et al reference. The rejection of Claims 1-40, 53-76, 79-96 and 99-113 under 35 U.S.C. 103(a) based upon Romero et al (US 5,760,323) is hereby traversed and overcome in accordance with 37 CFR 1.131. Furthermore, the rejection of Claims 1-40, 53-76, 79-96 and 99-113 under 35 U.S.C. 103(a) based upon Romero et al (US 5,760,323) in view of Taki et al. (US 5,665,927) and Ishii (5,400,687) is hereby traversed and overcome. Taki et al. (US 5,665,927) and Ishii (5,400,687), alone or in combination, do not teach, suggest or discuss, anticipate or render obvious the claimed invention. As stated by the Examiner at lines 3-5 of page 4 of Office ActionPaper No. 17, "Taki et al and Ishii, provide small enhancements that overall make Romero et al more efficient with more ability".

Applicant wishes to thank the Examiner for the Phone Interview of February 5, 2003 where Applicant briefly spoke with Examiner Fletcher regarding an error in the use of the Friedman et al reference cited by the Examiner in the above-referenced Office Action. During that conversation, Examiner Fletcher stated that inclusion of line 12 of page 3 of Office ActionPaper No. 17, was accidental and in error, and that Friedman et al. (WO 98/50900) was improperly cited because of a word processing error.

It is respectfully submitted that all bases of rejection and objection are traversed and overcome, and that Claims 1-113 are allowable, and that the application is in proper condition for allowance.

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Reconsideration is respectfully requested, taking the form of a Notice of Allowance.

The Examiner is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of the application.

Respectfully submitted,



David H. Sitrick
Attorney for Applicant
Registration No. 29,349

February 5, 2003

SITRICK & SITRICK
8340 N. Lincoln Ave., Suite 201
Skokie, IL 60077
Telephone Number: (847) 677-4411
Facsimile Number: (847) 677-4656